MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

DECEMBER 15, 2015

INVOCATION:
Jim Larrabee of First Christian Church gave the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Waterfield led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Patino called the meeting to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino.

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Director of Community Development Appel, Director of Public Works/City Engineer Kahn, Interim Fire Chief Kenley, Police Chief Martin, Assistant City Attorney Mollenkopf, Director of Utilities Springer, Deputy City Manager Stilwell, Deputy City Manager Tse, Director of Administrative Services Visé, Recreation Coordinator Marquez, and Community Development/Planning Commission Secretary Wilson.

1. PROCLAMATIONS/COMMENDATIONS/PRESENTATIONS:

A. LIGHTS, SIGHTS, AND HOLIDAY NIGHTS WINNERS
Director of Recreation and Parks Posada, along with Recreation Coordinator Marquez, announced the winners of the 2015 "Lights, Sights, and Holiday Nights Holiday Decoration Contest," and presented the winners with certificates, and commemorative snow globes. The City was divided into four quadrants in order to award a Best Residence to each section of town. This year's winners were:

Best Decorated Residence

South East Quadrant	Kim & John Sebedra,	2859 Stardust Dr.
South West Quadrant	Reyver & Mary Kay Llarena	834 Della Dr.
North East Quadrant	Earl & Donna Thacker	1749 N. Vine St.
North West Quadrant	Jerry and Sylvia Meisenzahl	209 Sycamore Street

Best of Show
Robert & Sandra Dickerson - 104 Palm Court Dr.

Neighborhood Spirit
Jessica & Aaron Cote - 1048 Granada St.

Best Animation
Lisa & Ted Hutchensen - 421 Marriott Road

Lifetime Achievement
John Hindle - 1030 Cortez Dr.

Bob & Stephanie Melena – 833 E. Fesler

Honorable Mention
Ron & Bobbi Wulfing - 512 N. College Dr.
Geoffrey & Julie Bernard - 228 S. Linda Dr.
Ernie Vea - 476 S. Palisade Dr.
John & Vikki Mitchell - 409 Larkspur Dr.
Ashton Michael - 434 Cabo San Jose
Linda & Tom Emery - 202 N Palisade Dr.
Ron & Bobbi Wulfing - 512 N. College Dr.

B. VOLUNTEER OF THE MONTH – RECREATION AND PARKS
Councilmember Boysen presented a plaque and certificate of appreciation to Rebecca Masuda thanking her for her time and dedication volunteering as a coach and mentor with the Special Olympics Program.

Director of Recreation and Parks Posada thanked Ms. Masuda for her efforts and acknowledged her role as an instructor at Santa Maria High School and contributions to the Key Club Program through the Kiwanis Club.

C. RETIREMENT OF PLANNING COMMISSIONER RODGER BROWN
Councilmember Orach presented Resolution No. 2015-112 recognizing and commending Rodger Brown for more than 18 years of service with the Planning Commission, and congratulating him on his retirement.

Resolution No. 2015-112 was adopted on motion by Councilmember Orach, seconded by Councilmember Waterfield, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2015-112 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, COMMENDING SANTA MARIA PLANNING COMMISSIONER RODGER BROWN FOR MORE THAN 18 YEARS OF OUTSTANDING SERVICE TO THE CITY OF SANTA MARIA.

Rodger Brown thanked everyone for the commendation and commented on how much the City has changed since he first arrived in 1956.

Councilmember Waterfield recalled her nine years on the Planning Commission with Mr. Brown and wished him and his wife a happy anniversary.

Planning Commissioner Robert Dickerson commented on how knowledgeable Mr. Brown is and what a pleasure it has been working with him.

2. PUBLIC COMMENT PERIOD
Heather Harris acknowledged the Community Emergency Response Team (CERT), comprised of Santa Maria Fire Department Fire Prevention Staff, for their training efforts with local residents.

Britt Stanley, representing Council on Alcoholism and Drug Abuse and Teen Court, spoke about the ordinance regarding marijuana cultivation and delivery. He expressed concern about the possibility of marijuana deliveries in Santa Maria.

Mike Spears, a recent CERT graduate, thanked the City Council and City of Santa Maria for the opportunity to participate in the training.

James Molidor spoke about his concern regarding the banning of medical marijuana cultivation and deliveries saying most youth have access to the drug through their parents, older siblings, and/or at school. He also commented on the purity of medical marijuana and various contaminants used in the commercial cultivation process that could end up being more of a harm to those seeking a treatment.

Utilities Director Springer gave a brief update on the City's water conservation efforts. Overall, the City has achieved the cumulative savings required by the State of California. In November, the City showed a 20 percent water conservation effort, well above the State's requirement of 16 percent.

City Manager Haydon introduced and welcomed Interim Fire Chief, Scott Kenley, saying he had over 40 years of fire service experience in the State of California. Chief Kenley worked previously with the Cities of Brisbane and Lodi, and he was the Interim Fire Chief with the City of Davis. He will be working with the City until a nationwide search is completed and a full-time Fire Chief hired, tentatively in March 2016.

3. CONSENT CALENDAR:
Councilmember Waterfield indicated that would recuse herself from voting on Item 3E (Warrants), due to a conflict of interest and requested that Item 3K be pulled for discussion.

Mayor Patino requested that Item 3G be pulled for discussion.

Item 3K (California Boulevard and Union Valley Parkway Improvements)
Councilmember Waterfield asked Public Works Director Kahn to clarify when a four-way stop is required to be in place and to elaborate on the proposed landscaping design.

Public Works Director Kahn responded that most cities in California, including Santa Maria, use the California Manual on Uniform Traffic Control Devices in determining the placement of signs and road

restrictions. A four-way stop can be placed at an intersection based on the number of accidents in an area (more than five accidents in a 12-month period) and other logistics that warrant a four-way stop. As Union Valley Parkway use is increasing, the long-term plan is to make the road a four lane facility all the way from US 101 to Blosser Road, which would make a four-way stop difficult at this location.

Public Works Director Kahn also commented that, as a driver travels north on California Boulevard, landscaping restricts his/her view to the west. The City's intention is to move the crosswalk ten feet further into the intersection to correct the issue.

Mayor Patino expressed concerns about visibility for drivers of smaller cars. She also asked how long it would be before the four lanes would be established.

Public Works Director Kahn responded that the four lanes were not yet funded, however the road was being monitored and when the need arises, the City would be ready to commence construction.

Councilmember Orach commented that the visibility had decreased at the intersection with the current landscaping. He expressed concern over drivers who speed through the intersection and those who do not come to a complete stop at the stop sign.

Councilmember Boysen stated he bicycles the road regularly and he believed the fixes suggested by staff would improve the intersection tremendously.

Public Works Director Kahn noted that a contractor has been scheduled for January 4, 2016 to commence with the intersection improvements, should the item be approved by Council.

Item 3G (Ordinance regarding medical marijuana)
Mayor Patino expressed her concern over the availability of marijuana to youth should deliveries be allowed in the City of Santa Maria. She compared the drug to alcohol and cigarettes and the problems they can cause for youth and families. She said there had also been discussion in the community about concerns with the shipping of marijuana through the mail.

Councilmember Zuniga reiterated from the previous Council meeting her desire to keep medical marijuana available to those who would not normally have access to the drug due to their inability to travel because of their critical illness. She also commented that medical marijuana is also thought to be much less debilitating to users than stronger forms of pain treatments such as morphine. In addition, alcohol and cigarettes are much more readily available to minors. She stated she would be very disappointed should Council change their original vote.

At the request of Mayor Patino, Police Chief Martin explained that FedEx, UPS, and the US Postal Service have policies against shipping marijuana. However, as resources are not always available to inspect every package that is processed through these shipping companies, marijuana does get delivered through the mail on occasion. He stated that employees of these companies are trained and call in a report to the Police Department if they suspect a package contains something suspicious.

Mayor Patino asked how the medical marijuana ordinance would be enforced (allowing deliveries).

Chief Martin responded that when he spoke with the Deputies in San Luis Obispo, he was told there were approximately 30 delivery services in the area (both in and out of the County).

Councilmember Orach asked Assistant City Attorney Mollenkopf for advice given that the deadline to make a decision on these issues was March 1, 2016. He also asked if there was time to learn more about medical marijuana and what how they could ensure the drug went to the critically ill and not into the hands of underage youth.

Assistant City Attorney Mollenkopf responded that by March 1st, Council would be relinquishing their jurisdictional ability to regulate medical marijuana in the City. She stated the decisions regarding deliveries is complicated. When the Compassion Care Act was passed several years ago, there were no regulations to monitor physician standards or what constituted the need for a medical marijuana card.

The regulatory scheme that has been adopted by the State includes regulating physicians. With respect to dispensaries, cultivation, and deliveries, there are 17 different licenses available. Delivery services will be highly regulated. The actual rollout of the program is not expected until 2018.

Councilmember Waterfield asked if Council went forward with the ordinance tonight, would they be able to revisit it in 2016 once State law was in place.

Assistant City Attorney Mollenkopf responded that Council is always able to revisit the ordinance with the exception of the delivery issue. If the decision is not made prior to March 1st, Council will have abdicated the right to regulate deliveries.

Mayor Patino stated she felt the Council was lacking a lot of information that would be helpful in making a determination on the ordinance.

Councilmember Boysen reminded everyone of the discussion about compassion for those who are critically in need of medical marijuana and how limiting the ordinance would be should they include banning deliveries. He suggested pulling the Item for a separate vote.

Consent Calendar Items 3A, 3B, 3C, 3D, 3H, 3I, 3J, 3L, and 3M were approved on motion by Councilmember Boysen, seconded by Councilmember Orach, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Consent Calendar Item 3E, was approved on motion by Councilmember Boysen, seconded by Councilmember Orach, and carried on the following vote: 4-0-1

AYES: Councilmembers Boysen, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: Councilmember Waterfield

Consent Calendar Item 3G, was approved on motion by Councilmember Boysen, seconded by Councilmember Zuniga, and carried on the following vote: 4-1

AYES: Councilmembers Boysen, Orach, Waterfield, and Zuniga
NOES: Mayor Patino
ABSENT: None
ABSTAIN: None

Consent Calendar Item 3K, was approved on motion by Councilmember Boysen, seconded by Councilmember Waterfield, and carried on the following vote: 4-1

AYES: Councilmembers Boysen, Orach, Waterfield, and Zuniga
NOES: Mayor Patino
ABSENT: None
ABSTAIN: None

Councilmember Orach asked if Council could make amendments prior to March 1st, 2016 on Item 3G, should they decide it was necessary.

Assistant City Attorney Mollenkopf responded that they would be able to make amendments prior to March 1, 2016, but that it was a small window of time because the ordinance has to be in effect on March 1st. An ordinance is effective 30 days from its adoption.

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the regular Meeting of the City Council of December 1, 2015, were approved as submitted.

C. SANTA MARIA POLICE OFFICERS ASSOCIATION COMPENSATION ADJUSTMENTS
Resolution No. 2015-105 was adopted approving a tentative agreement on amendments to and an extension of the current Memorandum of Understanding with the Santa Maria Police Officers Association.

Resolution No. 2015-105 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AMENDMENT TO AND AN EXTENSION OF THE

MEMORANDUM OF UNDERSTANDING WITH THE SANTA MARIA POLICE OFFICERS ASSOCIATION.

D. CITY ATTORNEY & CITY MANAGER COMPENSATION ADJUSTMENTS
Resolution No. 2015-106 and No. 2015-107 were adopted modifying the Employment Agreements of the City Attorney and City Manager and providing said employees with compensation adjustments.

Resolution No. 2015-106 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A COMPENSATION ADJUSTMENTS FOR THE CITY ATTORNEY.

Resolution No. 2015-107 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING COMPENSATION ADJUSTMENTS FOR THE CITY MANAGER.

E. WARRANTS
Warrant Nos. 197154 to 197481 totaling $1,982,309.21 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

G. ORDINANCE NO. 2015-16 MARIJUANA CULTIVATION BAN
The City Council conducted the second reading and adoption of Ordinance No. 2015-16 amending Section 12-54 to the Santa Maria Municipal Code regarding cannabis regulation and banning commercial and private cultivation of medical marijuana within the City.

Ordinance No. 2015-16 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING SECTION 12-54 TO THE SANTA MARIA MUNICIPAL CODE REGARDING CANNABIS REGULATION.

H. ALCOHOLIC BEVERAGE LICENSE VALLARTA SUPERMARKET
The City Council made a determination with findings that the public convenience and necessity would be served in the issuance of a Type 21 alcoholic beverage license for sale of packaged beer, wine, and distilled spirits at the Vallarta Supermarket, 1482 South Broadway. Staff was authorized to notify the Alcohol Beverage Control of the action.

I. GROWTH MITIGATION ANNUAL AND FIVE-YEAR COMPLIANCE REPORT.
The City Council received and ordered filed the Growth Mitigation Annual and Five-Year Compliance Reports for fiscal year ending June 30, 2015.

J. ADDITIONAL WEED ABATEMENT ASSESSMENTS
The City Council adopted a resolution approving and confirming the report of weed abatement costs for additional abatement for assessment purposes; and directing the parcel numbers and costs be submitted to the Santa Barbara County Auditor Controller's Office for collection on property tax bills.

Resolution No. 2015-109 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING REPORT OF WEED ABATEMENT COSTS FOR ASSESSMENT PURPOSES BY THE PUBLIC WORKS OPERATIONS MANAGER.

K. UNION VALLEY PARKWAY INTERSECTION DESIGN APPROVAL
The City Council adopted a resolution approving the design of the improvements to the intersection of California Boulevard and Union Valley Parkway and authorizing the Director of Public Works/City Engineer to exercise discretionary authority to approve field changes to the design.

Resolution No. 2015-110 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA PURSUANT TO SECTION 830.6 OF THE CALIFORNIA GOVERNMENT CODE, APPROVING THE DESIGN OF THE INTERSECTION OF CALIFORNIA BOULEVARD AND UNION VALLEY PARKWAY IMPROVEMENTS AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS/CITY ENGINEER TO EXERCISE DISCRETIONARY AUTHORITY TO APPROVE FIELD CHANGES TO THE DESIGN.

L. ORDINANCE REGARDING ALCOHOL ON PUBLIC PROPERTY
The City Council conducted the second reading and adoption of Ordinance No. 2015-17 relating to consumption of alcohol on public property.

Ordinance No. 2015-17 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 6-5 OF THE SANTA MARIA MUNICIPAL CODE RELATING TO CONSUMPTION OF ALCOHOL ON PUBLIC PROPERTY.

M. ALCOHOLIC BEVERAGE CONTROL GRANT
The City Council adopted a resolution authorizing the appropriation of $25,000 to be allocated to the Santa Maria Police Department under the provisions of the California Department of Alcoholic Beverage Control Minor Decoy/Shoulder Tap Grant.

Resolution No. 2015-108 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING FUNDING UNDER THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL MINOR DECOY/SHOULDER TAP GRANT #15-OTS18.

4. NOMINATION AND ELECTION OF MAYOR PRO TEM
City Manager Haydon gave a brief presentation as detailed in the Council Agenda Report. The Mayor Pro Tem acts on behalf of the Mayor in the Mayor's absence, as needed. On December 16, 2014 Councilmember Zuniga was appointed to serve as Mayor Pro Tem during calendar year 2015. Mayor Patino will make a nomination and the City Council will ratify the nomination.

Mayor Patino nominated Councilmember Waterfield to serve as Mayor Pro Tem for calendar year 2016.

Councilmember Waterfield was appointed as Mayor Pro Tem for calendar year 2016 on motion by Mayor Patino, seconded by Councilmember Boysen, and carried on the following vote: 5-0

AYES:	Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES:	None
ABSENT:	None
ABSTAIN:	None

5. CALPERS EXCEPTION TO THE 180-DAY WAIT PERIOD. Deputy City Manager Tse gave a presentation as detailed in the written Council Agenda Report. The City Council considered a resolution for the CalPERS exception to the 180-day wait period pursuant to Government Code sections 7522.56 and 21224. In 2012, the Public Employees' Pension Reform Act (PEPRA) was passed. One of the provisions of PEPRA governs post-retirement employment for government employees. City employees are not generally allowed to return to employment for 180 days upon retiring unless the governing body adopts a resolution stating the appointment is necessary to fill a critical need. With the adoption of the Resolution No. 2015-111, Ms. Ellen Pritchett, former Regulatory Compliance Specialist, would be allowed to return to work to fill a critically needed role in the Utilities Department.

Ms. Pritchett has specialized skills and institutional knowledge in water quality issues. The City maintains its compliance with Federal and State regulations related to environmental protection and Ms. Pritchett's prior position involved management and administration of the City's compliance with provisions of the Clean Water Act. As a Project Manager, Ms. Pritchett's position would ensure continuity of the City's stormwater program and completion of several current projects.

Councilmember Zuniga asked how many times in the last few years has Council approved a similar resolution.

Deputy City Manager Tse responded that two employees have returned as limited-term employees pursuant to Council resolution authority and they work one day a week.

Public input.
There were no requests to speak.

Council discussion.
There was no Council discussion.

Resolution No. 2015-111 was adopted approving a resolution for the CalPERS exception to the 180-day wait period, pursuant to Government Code Sections 7522.56 and 21224 on motion by Councilmember Orach, seconded by Councilmember Zuniga, and carried on the following vote:

AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2015-111 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A RESOLUTION FOR THE CALPERS EXCEPTION TO THE 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21224.

REPORT BY CITY MANAGER:
City Manager Haydon reported the next City Council meeting would be on January 5, 2016 and would include one Consent Agenda item and three public hearings regarding: 1) the commercial vehicle ordinance; 2) the Development Agreement for the Laz-E-Days project; and 3) a public meeting to discuss the Santa Maria Tourism Marketing District. He also acknowledged Kathleen Wilson, Secretary to the Planning Commission, for assisting in the role of Clerk during the meeting.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS (INCLUDING AB1234 REPORTS):
Councilmember Zuniga reported that she spoke on the Ben Heighes radio show; attended the Chamber Mixer at Univision; attended the Recreation and Parks and PLAY Commission Joint Meeting and Holiday Dinner; and the C3H Policy Council meeting.

Councilmember Waterfield did not have items to report.

Councilmember Orach reported that he attended the Tree-Lighting Ceremony; the Parade of Lights; the Memorial Service for Veterans; the Quarterly Schools Meeting; the Santa Maria Valley Chamber Elks Christmas party; a LAFCO Meeting; and participated in the Fill the Boot for MDA fundraiser.

Councilmember Boysen reported he attended the C3H Policy Council Meeting and learned they are about to acquire additional funding to assist with their homeless prevention program. He also mentioned the Architectural Class at Hancock College and the fact that their annual project was a redesign of Good Samaritan Shelter. He encouraged everyone to look at next year's project as the group is very creative.

Mayor Patino reported that she attended a meeting with the Santa Barbara Foundation; a presentation by Crop Production Services; the Univision Ribbon-cutting Ceremony; a Tourism Business Improvement District Planning Session; the Community Christmas Tree Lighting Ceremony; the Parade of Lights; the Freedom Monument Ceremony; a New Life Ribbon-cutting; the Quarterly Schools Meeting; an Agricultural Forum Planning Meeting; the semi-annual meeting with the CHP and City Police Department; the Fighting Back Santa Maria Valley Coalition Meeting; the City of Santa Maria Management Graduation Ceremony; the City of Santa Maria Open House; the Fire Department MDA Fill the Boot fundraiser; a performance of Cinderella; the swearing-in ceremony for Officer Bridges; and spoke on the Ben Heighes radio show.

CLOSED SESSION:
The City Council recessed at 7:57 p.m. to a Closed Session regarding Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9 Subdivision (d)(1). Daniel Ast, et al. v. City of Santa Maria, et al., Case No. 2:14-cv-02909-JGC, United States Federal Court, Central District of California.

CLOSED SESSION REPORT:
Following the Closed Session, the City Attorney announced there was no reportable action taken.

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ADJOURNMENT:
There being no further business before the City Council, Mayor Patino declared the City Council meeting adjourned at 8:18 p.m.

APPROVED:

January 5, 2016
Date

Kathleen Wilson
Secretary to the Planning Commission and ex officio Clerk of the City Council

ATTEST:

Kathleen Wilson
Secretary to the Planning Commission

Alice M. Patino
Mayor of the City of Santa Maria